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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DONNA WOOD, et al, individually  
and on behalf of all others  
similarly situated,

**Plaintiffs,**

vs. 20 Civ. 2489 (LTS) (GWG)

MIKE BLOOMBERG 2020, INC.,

Defendant.

VIDEOTAPE DEPOSITION OF  
ALEXANDRA WHEATLEY-DIAZ  
VIA ZOOM VIDEOCONFERENCE

November 11, 2022

7:16 a.m. PST

Reported by:

Maureen Ratto, RPR, CCR

1                    ALEXANDRA WHEATLEY-DIAZ

2                    to be a reason as to why we had to work  
3                    more than 40 hours.

4                    Q.        And you had to get that  
5                    approved in order to get paid; is that  
6                    your testimony?

7                    A.        No. We had to get approved in  
8                    order to work more than 40 hours.

9                    Q.        And during the time that you  
10                    worked for the Bloomberg Campaign, you  
11                    continued to work for Genex; is that  
12                    right?

13                    A.        That is correct.

14                    Q.        And how many hours a week did  
15                    you work for Genex while you were working  
16                    for the Campaign?

17                    A.        I can't confirm the amount of  
18                    time, but it was a good portion of my day  
19                    -- or a good -- incorrect to say that.

20                    It was -- I can't -- I can't  
21                    recall the exact amount of time but it  
22                    was certainly five hours -- about  
23                    approximately anywhere from five hours a  
24                    day, sometimes more, depending on how --  
25                    when I had to be at the Bloomberg office.

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2                    day. Shortly after the pandemic was  
3                    announced I did go to Florida.

4                    Q.        The pandemic I believe was  
5                    announced on March 16th of 2020. Assuming  
6                    that that date is correct, how soon after  
7                    that did you go to Florida?

8                    A.        If I remember correctly, it  
9                    was sometime in mid April or early April.

10                  Q.        When you started working for  
11                  the Bloomberg Campaign, did you tell them  
12                  that you had another paid job?

13                  A.        I did.

14                  Q.        Is it fair for me to assume  
15                  that that was okay in terms of the  
16                  position that you held with the Campaign?

17                  A.        That is correct.

18                  Q.        Was there any reduction in  
19                  your compensation based on the fact that  
20                  you had another paid position  
21                  simultaneously?

22                  A.        I don't recall to the extent  
23                  of that, but I don't recall extensively.

24                  MS. BLOOM: I'm going to ask  
25                  if the concierge could mark the

1                    ALEXANDRA WHEATLEY-DIAZ

2                    A.        To my understanding, I don't  
3                    think that was, like I said, considered.  
4                    I also, to my understanding, don't think  
5                    that anything in my background made me  
6                    more or less qualified for the position.  
7                    And as I stated before, there was no  
8                    interview so it was -- to my  
9                    understanding, it was never really  
10                  considered at all.

11                  Q.        Do you think you were a good  
12                  field organizer?

13                  A.        Oh, I was a great field  
14                  organizer.

15                  Q.        Okay. What was it about you  
16                  that made you a great field organizer?

17                  A.        I was passionate about my --  
18                  about my job, I'm a hard worker and I  
19                  take a lot of pride in what I do and how  
20                  I work.

21                  Q.        Were you able to persuade  
22                  people to support Mike Bloomberg who  
23                  initially were not supporters?

24                  A.        I can't say for sure. I'd  
25                  like to believe that based on the script

1                   ALEXANDRA WHEATLEY-DIAZ

2                   to keep things very general instead of  
3                   specific to certain subjects that might  
4                   be sensitive.

5                   Q.        You said a few minutes ago  
6                   that you were very passionate about what  
7                   you were doing. How would you express  
8                   that passion?

9                   A.        I expressed that passion in  
10                   relation to this position when I was with  
11                   the dedicated hours, the time, the  
12                   commitment that I had to the job. Yeah,  
13                   that's how it was expressed.

14                   Q.        Now, if you go back and look  
15                   at Exhibit 2, the fifth document in  
16                   which is P008645 -- I'm sorry -- the  
17                   sixth document, P008646, that's your  
18                   signature; is that correct?

19                   A.        That is correct.

20                   Q.        And you signed and dated this  
21                   document on or about January 16th of  
22                   2020; is that right?

23                   A.        That is right.

24                   Q.        And above your signature it  
25                   says, "I acknowledge receipt of this

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2                   Q.        You understood that your  
3                   status was as an exempt employee?

4                   A.        I did not know what that meant  
5                   at that time, so I didn't -- so I would  
6                   say that I didn't know that that -- I  
7                   didn't know the extent to what that meant  
8                   at that time.

9                   Q.        You understood that you  
10                  wouldn't get overtime, though, correct?

11                  A.        I did not understand that.

12                  MS. COLE-CHU: Objection to  
13                  form.

14                  Q.        Sorry?

15                  A.        I did not understand that.

16                  Q.        So did you think you would be  
17                  paid money over and above \$3,000  
18                  semi-monthly?

19                  A.        I did not -- I did not know --  
20                  how do I say this? I was not aware of --  
21                  I wasn't aware that that would even be  
22                  necessary based on not knowing that I  
23                  would be working the hours to the extent  
24                  that I was.

25                  Q.        Did you tell your other

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2                    employer that you were taking another  
3                    job?

4                    A.        I told my immediate boss, yes.

5                    Q.        What did you tell your  
6                    immediate boss?

7                    A.        When or what?

8                    Q.        What?

9                    A.        What. I told my other boss  
10                  that I would be working for the Campaign.

11                  Q.        Did you tell your boss how  
12                  many hours a week you'd be working for  
13                  the Campaign?

14                  A.        It did not come up in  
15                  conversation.

16                  Q.        What was the conversation?  
17                  Tell me in as much detail as you can  
18                  recall.

19                  A.        I spoke with my immediate boss  
20                  about taking a second job so that I could  
21                  support myself.

22                  Q.        Did you ask for any reduction  
23                  in the number of hours that you were  
24                  working for Genex in order to take the  
25                  second job?

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2                    times, 50 times. I couldn't give you a  
3                    number to the exact amount but it was  
4                    certainly a lot.

5                    Q.        What did you do at home?

6                    A.        Primarily phone banking and  
7                    most -- and sometimes the text messages.

8                    Q.        Now, you understand that you  
9                    are being offered as a class  
10                    representative in this case; is that  
11                    right?

12                    A.        That is right.

13                    Q.        What does that mean to you?

14                    A.        That means that I represent a  
15                    group of people in the State of  
16                    California.

17                    Q.        And what do you understand  
18                    your responsibilities to be as a class  
19                    representative?

20                    A.        That I am available, that I am  
21                    cooperative and that I have the time and  
22                    willingness to be a part of this case.

23                    Q.        There was a period of time  
24                    during the pendency of this case when you  
25                    had indicated that you no longer wanted

1                   **ALEXANDRA WHEATLEY-DIAZ**

2                   In terms of the hours that you  
3                   devoted, that you spent on the Campaign  
4                   when you were working as a field  
5                   organizer in the month of January, how  
6                   many hours a week did you work for the  
7                   Campaign?

8                   A.        In January I worked every day.  
9                   I'd have to sit with a calculator to  
10                  measure the time but it was well over  
11                  right away 40 hours. I worked all day  
12                  Saturday and Sunday and I worked  
13                  generally between 10 to 12 Monday through  
14                  Friday ending at about 9:00.

15                  Q.        I'm sorry. You said you worked  
16                  between 10 to 12 Monday through Friday?

17                  A.        I usually got to the office  
18                  when the office opened. The opening of  
19                  the office varied, so that some days it  
20                  was 10, 11 or 12. It just depended on  
21                  when the office opened, it depended on if  
22                  we had a meeting that day and it depended  
23                  on my job -- my other job as well. So it  
24                  was generally between 10 and 12 that I  
25                  got to the office.

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2                   Q.        Okay. And how many hours in  
3                   January per week were you working for  
4                   your other job?

5                   A.        I cannot say for certain the  
6                   amount of hours but anywhere between -- I  
7                   cannot -- I couldn't say for certain on  
8                   the record the amount of hours.

9                   Q.        Well, approximately how many?

10                  A.        Maybe, approximately, like, 30  
11                  hours, 35.

12                  Q.        35 hours a week?

13                  A.        Approximately.

14                  Q.        And how many hours a week for  
15                  the Campaign during that time?

16                  A.        Like I said, if I got there to  
17                  the office between 10 and 11 --  
18                  generally, it was between 11 or 12 and  
19                  then I would leave around 9, 8, 9,  
20                  sometimes 10, depending on the day. Like  
21                  Fridays and then on weekends it was  
22                  typically in the morning all the way to  
23                  the nighttime on Saturday and Sunday.

24                  Q.        And it's your testimony that  
25                  you worked every Saturday and Sunday for

1                   ALEXANDRA WHEATLEY-DIAZ

2                   the Campaign in January?

3                   A.        In the month of January when I  
4                   was hired, from when I was hired I did  
5                   work those weekends. And if I -- I'd have  
6                   to look at a calendar to see for sure  
7                   what weekends those were and when I  
8                   actually began, because that is something  
9                   that I don't necessarily recall the exact  
10                  date, so...

11                  Q.        And there were some weekends  
12                  that you couldn't work because of your  
13                  other job, correct?

14                  MS. COLE-CHU: Objection to  
15                  form.

16                  A.        That's not correct. I did not  
17                  ever not work a weekend.

18                  Q.        Could you ever not work a  
19                  weekend day, meaning Saturday or Sunday,  
20                  when you worked for the Campaign?

21                  A.        No, I worked every Saturday  
22                  and Sunday for the Campaign.

23                  Q.        Okay. In February and March  
24                  also?

25                  A.        Correct, yeah.

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2                    Q.        Okay. And it's your testimony  
3                    here today that you never, during the  
4                    entire time you worked for the Campaign,  
5                    you worked every single Saturday and  
6                    Sunday?

7                    A.        To the best of my knowledge,  
8                    that is true, that I remember, and that I  
9                    recall. I do not recall ever not working  
10                   those weekends and I'm also uncertain of  
11                   when we stopped working in March. So  
12                   depending on when the last day was in  
13                   March and when the first day was that I  
14                   started working in January, and to the  
15                   best of my knowledge, I recall working  
16                   all those weekends.

17                   Q.        In the month of February how  
18                    many hours a week did you work for the  
19                   Campaign?

20                   A.        It was the same that I worked  
21                    in January. I'd have to get a calculator  
22                    to calculate the amount of time but, like  
23                    I said, if we were on the latter side,  
24                    between 12 every day, you know, 10 --  
25                    generally between 12, leaving the office

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2        Umm, how do I say this? I would pull  
3        medical records for the independent  
4        medical exams that the clients -- that  
5        the patients were going to be  
6        participating in and put them in a  
7        document or put them in a folder and I  
8        had to do several different things to  
9        those documents in order for them to be  
10       liable for the nurse practitioner. So  
11       essentially, I was preparing documents  
12       for someone to look over in regards to  
13       that patient.

14                Q.        And you did that remotely?

15                A.        I did that remotely.

16                Q.        Your resumé says that you were  
17        a scheduler. Did you do scheduling?

18                A.        Yes. When I was originally  
19        hired I was hired as a scheduler.

20                Q.        At the time that you were  
21        working for the Bloomberg Campaign were  
22        you doing scheduling?

23                A.        I was not.

24                Q.        And when you said you had to  
25        be available to field calls, calls from

1                   ALEXANDRA WHEATLEY-DIAZ

2                   whom?

3                   A.       Patients, like after hours.

4                   Since the company was an East Coast  
5                   company, I was working East Coast times.

6                   Q.       So during what hours would you  
7                   have to be available to field calls?

8                   A.       Generally around 11 and 12.

9                   Q.       Until when?

10                  A.       Well, that's until then, like,  
11                  I would have the calls forwarded to my  
12                  cellphone, I was just available but that  
13                  never really occurred.

14                  Q.       This is what I'm not  
15                  understanding. You're saying until 11 or  
16                  12 Pacific Time? Is that your testimony?

17                  A.       Yes.

18                  Q.       And you said it was after  
19                  hours on the East Coast, so that would be  
20                  two or three o'clock on the East Coast?

21                  A.       Correct. Because we're talking  
22                  in reference to, like, a doctor's office.

23                  Q.       So you are claiming that a  
24                  doctor's office closes at two o'clock?

25                  A.       I'm not claiming anything. I'm

1                   ALEXANDRA WHEATLEY-DIAZ

2                   just stating what the company considers  
3                   after hours is.

4                   Q.        And when did you -- what was  
5                   the time period? I know you said it ended  
6                   at 11 or 12. When did it start?

7                   A.        I mean, I was available to  
8                   take calls all day, but it wasn't  
9                   necessarily a start or end time to that.  
10                  Sorry. It wasn't necessarily a start time  
11                  to that. My apologies.

12                  Q.        So I'm just trying to  
13                  understand what the commitment was.

14                  When you say you were  
15                  available to take calls all day, what  
16                  does that mean? Tell me the hours.

17                  A.        The hours varied. My -- I was  
18                  just available to take a call if it was  
19                  after hours, which generally ended around  
20                  12, but it would be understood too that  
21                  it could be up until, like, 2 p.m.  
22                  Pacific Standard Time, but that never  
23                  actually occurred during the time that I  
24                  was employed or that I was working but it  
25                  was, like, I was available if I had to

1                   **ALEXANDRA WHEATLEY-DIAZ**

2                   So you said that you'd be in  
3                   the Bloomberg office working for the  
4                   Campaign and you would simultaneously be  
5                   available to take calls for your job at  
6                   Genex; is that correct?

7                   A.        That's incorrect. I stated  
8                   that we -- that I was available if I  
9                   needed to be for Genex for customer  
10                  service if I had to be for after hours.  
11                  However, that depended when I needed to  
12                  be in the office for the Campaign and it  
13                  differentiated on the date but there were  
14                  circumstances where I was allowed to,  
15                  depending on when they needed me to be in  
16                  the office, I was allowed to work --  
17                  like, work my previous job there, so that  
18                  I can just immediately start working for  
19                  the Campaign when they needed me to start  
20                  working.

21                  Q.        Did you ever get paid by Genex  
22                  and by the Campaign for the same hour?

23                  MS. COLE-CHU: Objection to  
24                  form.

25                  A.        I can't confirm or -- I can't

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2                    A.        I felt as though that was the  
3                    only choice.

4                    Q.        Because of what your numbers  
5                    were, is that why?

6                    A.        Because of the environment,  
7                    because of the leadership and because of  
8                    the pressure that we were under.

9                    Q.        Did anybody ever tell you that  
10                    you couldn't take a break during the  
11                    workday?

12                   A.        I don't recall if that  
13                    statement was ever made by anybody.

14                   Q.        Did you ever consider quitting  
15                    the job at the Campaign?

16                   A.        I don't recall the sentiment  
17                    that I felt during that time. I was very  
18                    -- I do know that I was very passionate  
19                    and very motivated to keep going.

20                   Q.        Did you bring your lunch --  
21                    oh, passionate about the candidate?

22                   A.        About the position that I was  
23                    working in, I really enjoyed -- I really  
24                    enjoyed what I was doing. I was learning  
25                    something, yeah.

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2                    Q.        What were you learning?

3                    A.        I was learning a new skill and  
4                    I was in an opportunity that I had never  
5                    been in before.

6                    Q.        What was -- what were the new  
7                    skills that you were learning?

8                    A.        How to educate myself in  
9                    regards to a candidate, how to relay that  
10                   information over to other people and I  
11                   was learning -- I had never canvassed  
12                   before, I had never phone banked before,  
13                   I had never sent text messages out on the  
14                   application we were on, I had never had  
15                   to sit to work an event, whatever that  
16                   might have been at that time, different  
17                   times, I had never been in the  
18                   environment that I had been in in terms  
19                   of politics at all.

20                   Q.        What was it about the job that  
21                    you liked or made you passionate?

22                   A.        I felt that I was a part of  
23                    something greater than me and I was a  
24                   part of potentially changing the country  
25                   if this person had gotten elected and

1                   ALEXANDRA WHEATLEY-DIAZ

2                   what that would mean, like, the small  
3                   role that I got to play in that outcome.

4                   Q.        And was the goal always to get  
5                   Mike Bloomberg -- to get people to  
6                   support Mike Bloomberg?

7                   A.        I don't know if that was the  
8                   goal. That was what was asked of us. I  
9                   don't know that the goal and what was  
10                  asked of us were the same.

11                  Q.        Did you ever make calls  
12                  outside of the State of California?

13                  A.        On the phone application that  
14                  we were on we did not know where we were  
15                  making phone calls to. However, I was  
16                  made aware that phone calls were being  
17                  made to different states and I was made  
18                  aware of that based on either the  
19                  conversation that we had and I think we  
20                  did ask at some point and also, our ROD  
21                  made us aware we were calling different  
22                  states, which is why we had to do it at  
23                  certain times.

24                  Q.        What other states do you claim  
25                  you were calling?

1                   ALEXANDRA WHEATLEY-DIAZ  
2        was given a set amount to work a set  
3        amount of hours that should not have  
4        exceeded a certain amount of hours and  
5        did. So I would disagree with that  
6        statement because I don't think it's  
7        valid.

8                   Q.        Okay. So if you were working  
9        for Genex and you were working for the  
10       Campaign at the same time, meaning you  
11       were charging both of them for your  
12       hours, would you not count that as an  
13       hour worked for the Campaign because you  
14       were on salary? Is that what you're  
15       saying?

16                   MS. COLE-CHU: Objection to  
17        form.

18                   A.        I'm not saying that at all.  
19        I'm simply saying that the Campaign was  
20        paying me to work a certain amount of  
21        hours of which were exceeded and my job  
22        with Genex was paying me to work a  
23        certain -- to do certain tasks which I  
24        was doing as well. So I don't think that  
25        the statement that you're making is --

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2                   back on the record. The time is

3                   12:33 p.m.

4                   EXAMINATION BY MS. COLE-CHU:

5                   Q.        Ms. Wheatley, what were your  
6                   primary job duties as a field organizer  
7                   for the Mike Bloomberg Campaign?

8                   A.        My primary duties were to  
9                   canvass when asked and to phone bank and  
10                   to work events when necessary.

11                   Q.        So looking specifically at  
12                   canvassing and phone banking, what  
13                   percentage of your overall job duties,  
14                   while employed by the Mike Bloomberg  
15                   Campaign as a field organizer, were you  
16                   canvassing and phone banking?

17                   A.        It depended on the month but  
18                   in the month of January and February we  
19                   were primarily phone banking, with the  
20                   occasional canvassing at a rate of about  
21                   20%. When March hit we were approximately  
22                   -- it was pretty 50/50, like half the day  
23                   would be, depending on the day,  
24                   canvassing and the other half would be  
25                   phone banking. Some days it would

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2 primarily just be phone banking. And  
3 when I say phone banking I also mean text  
4 messages and the auto-dial.

5 Q. When you look at those job  
6 duties combined, canvassing and phone  
7 banking, as a percentage of your overall  
8 job duties while working for the  
9 Campaign, what percentage of your overall  
10 job duties were canvassing and phone  
11 banking?

12 A. I would say 98% of it.

13 Q. We looked at an email. Do you  
14 mind pulling up Exhibit 12 and taking a  
15 look at that with me?

16 A. Oh, yes.

17 MS. BLOOM: Can you put it on  
18 the screen, please? Could the  
19 Concierge put that on the screen?  
20 Thanks

21 Q. Do you have the exhibit in  
22 front of you, Ms. Wheatley?

23 A. I do.

24 Q. This is Exhibit 12, an email  
25 sent by you to Jonathan Salvador and the

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1 C E R T I F I C A T E

2 I, MAUREEN M. RATTO, a  
3 Registered Professional Reporter, do  
4 hereby certify that prior to the  
5 commencement of the examination,  
6 ALEXANDRA WHEATLEY-DIAZ was sworn by me  
7 to testify the truth, the whole truth  
8 and nothing but the truth.

9 I DO FURTHER CERTIFY that the  
10 foregoing is a true and accurate  
11 transcript of the proceedings as taken  
12 stenographically by and before me at  
13 the time, place and on the date  
14 hereinbefore set forth.

15 I DO FURTHER CERTIFY that I am  
16 neither a relative nor employee nor  
17 attorney nor counsel of any of the  
18 parties to this action, and that I am  
19 neither a relative nor employee of such  
20 attorney or counsel, and that I am not  
21 financially interested in this action.

22  
23  
24 

25 MAUREEN M. RATTO, RPR

L I C E N S E N O . 8 1 7 1 2 5